

Remarks/Arguments

Claims 1, 3-5, 8-13, 15-17, and 20-28 remain subject to examination in this application. Claims 1, 9, 13 and 21 are independent claims.

The Applicant acknowledges the withdrawal of the earlier objection to claims 2-8 and 14-20 under 37 CFR 1.75(c), with thanks.

Claim 1 has been rejected under 35 USC 102(b) as being anticipated by US 6,167,441 ("Himmel"). This rejection is traversed on the basis that certain recitations in claim 1 are not actually shown in Himmel.

In particular, claim 1 recites "wherein said operational status of the wireless communication device comprises: an indication of N messages most frequently received at said device, where N is an integer; a name of a user interface screen currently displayed at said device; a network identifier identifying a wireless network over which said device is communicating; or an indication of available memory at said wireless communication device." At page 4 of the Office Action, the Examiner cites column 5, lines 54-62 of Himmel as ostensibly disclosing these recitations. The Examiner apparently considers information regarding the client browser type and operating system in an HTTP header to disclose at least one of the four semicolon-delimited recitations set forth above.

However, close examination of the cited portion of Himmel reveals that none of the four recitations is disclosed. That is, information regarding client browser type and operating system does not constitute any of: (1) an indication of N messages most frequently received at the device; (2) an indication of a name of a user interface screen currently displayed at the device; (3) a network identifier identifying a wireless network over which said device is communicating; or (4) an indication of available memory at said wireless communication device the device. Because none of the four recitations is shown in Himmel, claim 1 cannot be anticipated. The same is true for dependent claims 4 and 8, by logical implication.

Independent claims 9, 13 and 21 were also rejected as anticipated by Himmel

based on the same logic as claim 1. The above arguments are equally applicable to these claims. The rejection of these claims, as well as dependent claims 10, 13, 16, 20 and 22, is therefore similarly traversed.

Claims 3, 15 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over Himmel in view of US 2006/0195912 to Dew et al. ("Dew"). The Applicant traverses these rejections on the grounds that no *prima facie* case of obviousness has been established in respect of any of these claims. The reason is twofold.

Firstly, by virtue of direct or indirect dependency upon one of claims 1, 9, 13 and 21, the claims in question all lack the recitations identified above as omitted from Himmel. There is no evidence that that these recitations can be found in Dew.

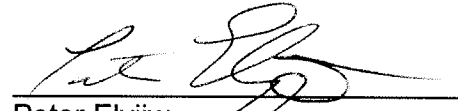
Secondly, the limitation purportedly disclosed in Dew is actually not disclosed in that reference. In particular, the Examiner cites Dew paragraphs 0036 and 0038 as showing the limitation of "wherein said operational status of the wireless communication device comprises said indication of N messages most frequently received at said device." However, all that is disclosed in those paragraphs is the compiling of information regarding the email addresses or domain names from which received email messages most frequently originate ("For example a list of the ten addresses or domain name from which e-mail messages are most frequently received"). This is not the same as identifying the N messages that are most frequently received. The reason is that, even if a particular email address or domain name is a frequent source for email, the messages could all be different (e.g. some may be status updates, others may be requests for information, still others may be personal greetings, etc.).

Claims 11, 12, 23 and 24 were rejected under 35 USC 103(a) as being unpatentable over Himmel in view of Tim Bray et al. ("Bray"). The Applicant traverses these rejections on the grounds that no *prima facie* case of obviousness has been established in respect of any of these claims. The reason is that, by virtue of direct or indirect dependency upon either claim 9 or 21, the claims in question all lack the recitations identified above as omitted from Himmel. There is no evidence that that

these recitations can be found in Bray.

In view of the foregoing, favorable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,


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